IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7327 OF 2004

Shri Krishna Sidram Ghodke ..Petitioner.

Versus

Sou. Venu P. Yenage ..Respondent.

Shri Shrishail Sakhare for the Petitioner.

CORAM : S. A. BOBDE, J.

DATED : 07TH JULY, 2005.

P.C.:

1. After the suit is decreed, the petitioner applied for correcting description of the suit property. That Application has been rejected by the trial court, holding that there was no clerical or arithmetical mistake in the decree passed.

2. Shri Sakhare, learned counsel for the petitioner submits that the petitioner did not understand the description of the suit property throughout the suit, which was actually decreed ex-parte. Therefore, he did not notice the mistake.

According to the petitioner the correction that is sought is in regard to the direction in which the property faces i.e. the direction in which the suit house open. According to the petitioner now he wants to contend that the suit house opens towards South face and not at North face, as alleged in the complaint. The trial court has not looked upon this as a clerical or arithmetical error in the description of the property. I am in agreement with the Trial Court. I see no jurisdictional infirmity apparent on the face of the order of the trial court. There is no merit in the writ petition.

3. The learned counsel relied on the decision reported in 2004(3) Mh. L.J. 782 in the case of Narhari Balku Kawade since deceased through legal heir -Shankar N.Kawade vs. Hanmanta Timma Pujari since deceased through his heirs -Hirabai H. Pujari; wherein the only correction that was sought was a typographical error in the survey number. In that case instead of Survey No. 66/5A, the correction was sought to be made as 66-A/5. The said case has no application to the facts of the present case.

4. The petition is hereby dismissed.

07.07.2005 (S.A.BOBDE,J.)

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